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AmeriMark Automotive AG, and Third-Party Defendants
Shaen Bernhardt, Martin Fasser Heeg, Stefan Kammerlander,
and AmeriMark Group AG*

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

CAPANA SWISS ADVISORS AG, a Swiss
corporation; AMERIMARK
AUTOMOTIVE AG, a Swiss corporation,

Plaintiffs,

v.

RYMARK, INC., a Utah corporation;
NICHOLAS THAYNE MARKOSIAN, an
individual; JOHN KIRKLAND, an individual;
and VICKY SMALL, an individual,

Defendants.

**PLAINTIFF'S OBJECTIONS TO
DEFENDANT RYMARK'S AMENDED
NOTICE OF RULE 30(b)(6)
DEPOSITION TO AMERIMARK
AUTOMOTIVE AG**

Case No. 2:23-cv-00467

Judge: Hon. Ted Stewart

Magistrate Judge: Hon. Cecilia M. Romero

Plaintiff AmeriMark Automotive AG (“Plaintiff”), through its undersigned counsel, submits the following objections to Defendant Rymark Inc.’s (“Rymark” or “Defendant”) Fed. R. Civ. P. 30(b)(6) Deposition Topics as follows:

TOPICS AND OBJECTIONS

TOPIC 4:

Filings in litigation in Germany in which Philomaxcap AG was a party.

RESPONSE TO TOPIC 4:

Plaintiff objects to this Topic on the grounds that it seeks information relating to “[f]ilings in litigation in Germany in which Philomaxcap AG was a party” that is outside the scope of the claims and defenses in this case.

TOPIC 8:

Activities of your agents between January 1, 2016 and the present.

RESPONSE TO TOPIC 8:

Plaintiff objects to this Topic on the grounds that it is vague, overly broad, and unduly burdensome, specifically as it relates to the term “activities” and “agents.”

TOPIC 9:

Activities undertaken to support business efforts or operations as to AmeriMark Automotive AG and/or AmeriMark Group AG.

RESPONSE TO TOPIC 9:

Plaintiff objects to this Topic on the grounds that it is vague, overly broad, and unduly burdensome, specifically as it relates to the terms “activities,” “undertaken,” “support,” and “business efforts or operations.”

TOPIC 11:

Actions by and communications from stock exchanges regarding AmeriMark Automotive AG and/or AmeriMark Group AG and/or Rymark, Inc.

RESPONSE TO TOPIC 11:

Plaintiff objects to this Topic on the grounds that it is vague, overly broad, and unduly burdensome, specifically as it relates to the terms “actions by” and “stock exchanges.”

TOPIC 15:

Grounds for privileges asserted by You with respect to all documents withheld from production on grounds of privilege, including as communicated by You in Your July 2024 privilege log and July 2024 clawback notice.

RESPONSE TO TOPIC 15:

Plaintiff objects to this Topic on the grounds that it calls for Plaintiff’s designee to testify about to a legal interpretation or conclusion.

TOPIC 16:

The factual bases for the allegations made in Your Amended Complaint and Answers in this litigation.

RESPONSE TO TOPIC 16:

Plaintiff objects to this Topic on the grounds that it is vague, overly broad, and unduly burdensome, specifically as it relates to the term “factual bases.”

Dated: January 16, 2025

PARSONS BEHLE & LATIMER

/s/ Erik A. Christiansen

Erik A. Christiansen
Hannah Ector

VENABLE LLP

John Worden (*Admitted Pro Hac Vice*)
Sarah E. Diamond (*Admitted Pro Hac Vice*)

*Attorneys for Plaintiffs Capana Swiss Advisors
AG and AmeriMark Automotive AG, and
Third-Party Defendants Shaen Bernhardt,
Martin Fasser Heeg, Stefan Kammerlander,
and AmeriMark Group AG*

CERTIFICATE OF SERVICE

I hereby certify that on **January 16, 2025**, I caused a true and correct copy of the foregoing **PLAINTIFF'S RESPONSES AND OBJECTIONS TO DEFENDANT RYMARK'S AMENDED NOTICE OF RULE 30(b)(6) DEPOSITION TO AMERIMARK AUTOMOTIVE AG** to be filed on CM/ECF and accordingly electronically served to the parties of record.

/s/ Zoe Gallagher

Zoe Gallagher